

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 22-10060-RGS

UNITED STATES OF AMERICA

v.

JOSE FERNANDO SANCHEZ-VILLANUEVA

MEMORANDUM AND ORDER ON
GOVERNMENT'S APPEAL OF THE MAGISTRATE JUDGE'S
ORDER OF RELEASE WITH CONDITIONS

October 23, 2023

STEARNS, D.J.

After a de novo review of Magistrate Judge Boal's Order releasing defendant Jose Fernando Sanchez-Villanueva, the court will reject the appeal of the United States and affirm the Magistrate Judge's Order. My independent review consists of the Order itself, the report of Pretrial Services, an investigative document submitted by the government under seal, a personal letter written to the court by the defendant, and the arguments of counsel presented at the October 11, 2023 hearing on the appeal. As before the Magistrate Judge, the government on appeal, while noting the seriousness of the underlying money-laundering offense, does not argue that the defendant poses a risk, if released, to the safety of the community. Rather the argument is that the defendant, as a native of

Columbia and an experienced world traveler, poses a risk of flight.

Without belaboring the record or diminishing the legitimate concerns of the government, I give weight to the following factors favoring pretrial release: (1) defendant has lived in the United States as a lawful resident for thirty-five years; (2) his wife, several of his children and stepchildren reside in Michigan where the family owns a home; (3) defendant's wife, who is gainfully employed as a registered nurse, is willing to take him into the family home and support him financially during the pendency of these proceedings; (4) defendant has no criminal record in the United States (his one known conviction for a drug offense in Canada in 1995 is self-reported); (5) he has by all accounts been cooperative and candid with U.S. authorities, including Pretrial Services, and did not resist extradition; (6) and, finally, I credit his statement to the court that, at age 62, he is too old to flee and would not forfeit the opportunity, if afforded, to be reunited at least briefly with his family in the United States (which is more a of a home to him than his native Columbia). I also find that the very restrictive conditions of release set by Magistrate Judge Boal are sufficient to secure his attendance at all pretrial and trial proceedings, an assessment with which Pretrial Services agrees.

ORDER

The government's appeal of the order of release is DENIED. The defendant will be released under the conditions set by Magistrate Judge Boal in her Order of August 30, 2023, once Pretrial Services certifies that all pre-

release conditions have been satisfied and defendant's counsel is able to make suitable arrangements (to the satisfaction of Pretrial Services) for the defendant's travel to Michigan.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE